



Boards and Commissions Ethics Law Summary

Disclaimer: This is only a generalized summary and is not intended to be legal advice. Please review ORS Chapter 244 and consult an attorney or The Ethics Commission for advice about your specific situation.

Gifts (Except Entertainment)

Receiving Gifts: As a public official, you may not receive gifts worth more than \$50 total per calendar year from a source *with any administrative or legislative interest in your board or commission*.

- Note: This rule applies regardless of whether you are paid for your service on a board or commission.
- People you live with as well as your immediate relatives are bound by this rule and cannot receive gifts worth more than \$50 total per calendar year from a source with any administrative or legislative interest in your board or commission.
- “Legislative or administrative interest” means an economic interest, distinct from that of the general public, in your board or commission’s actions.

Giving Gifts: The gift limit does not apply when you are giving gifts to persons who are *not* public officials (or their relatives or members of household).

Relative Exception: The gift limit does not apply to gifts you receive from people you live with or certain relatives (including your spouse, domestic partner, children, siblings and parents).

Political Contribution Exception: Limit does not apply to political contributions.

Food and Drink

Generally, gift rules and exceptions apply to food and drink.

Reception Exception: you may enjoy *incidental* food and drink that is free to everyone at receptions (does not include sit-down dinners).

Speaker or Panel Member Exception: you may enjoy food or drink when you speak or answer questions as part of a scheduled program.

Government/Membership/Nonprofit Exception: you may enjoy food or drink at an official meeting or convention, or on a fact-finding mission if paid for by:



- Federal, state or local government;
- Tribal government;
- Membership organization to which your board or commission pays dues; or
- 501(c)(3) nonprofit organizations that receive < 5% of funding from private sources.

Travel

Generally, gift rules and exceptions apply to gifts of travel.

All travel paid for by a third party should be *pre-approved* by your board or commission.

Carpool Exception: You can travel together with another public official to an in-state event you are attending in your official capacity without splitting the cost of travel.

Government/Membership/Nonprofit Exception: travel and reasonable expenses to attend an official meeting or convention, or on a fact-finding mission if paid for by:

- Federal, state or local government;
- Tribal government;
- Membership organization to which your board or commission pays dues; or
- 501(c)(3) nonprofit organizations that receive < 5% of funding from private sources.

Economic Development Exception: certain travel to engage in trade or fact-finding missions.

Entertainment

No gifts of entertainment from any source with a legislative or administrative interest in your board or commission (not even gifts worth less than \$50).

Incidental Entertainment Exception: may enjoy incidental entertainment at an otherwise permissible event (e.g. the guitarist in the corner).

First Pitch Exception: acting in an official capacity for a ceremonial purpose (i.e., first pitch, ribbon cutting).



Restrictions on Political Campaigning for Public Employees ORS 260.432 Quick Reference

Generally, ORS 260.432 states that a public employee¹ may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

As used in this Quick Reference

We use the phrase "advocate(s) a political position" to mean promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure. The term "impartial" means equitable, fair, unbiased and dispassionate. *See the Secretary of State's detailed memo on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Publications.*

Prohibited Activities

A public employee, while on the job during work hours **may not**:

- Prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position
- Collect funds, prepare filing forms or correspondence on behalf of candidates or political committees
- Produce or distribute a news release or letter announcing an elected official's candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official's political position
- Make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls, about the official's availability and add an event to the schedule)
- Grant unequal access to public facilities to candidates or political committees
- Direct other public employees to participate in political activities, when in the role of a supervisor
- Draft, type, format or edit a governing body's resolution that advocates a political position (except to conform the resolution to a standard format)
- Prepare or give recommendations to the governing body urging which way to vote on such a

¹ A "public employee" includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).



resolution

- Sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote
- Announce the governing body's position on such a resolution to the media
- Include the governing body's position or vote on such a resolution in a jurisdiction's newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client's political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. DRS 247.208(3)

Allowable Activities

A public employee, while on the job during working hours **may**:

- Prepare and distribute **impartial** written material or make an **impartial** presentation that discusses election subjects (using the guidelines provided in the Secretary of State's detailed memo on ORS 260.432 and obtaining review from the jurisdiction's legal counsel, as available.) The Secretary of State's Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.
- Perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet
- Impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way
- Address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee's normal duties
- As staff of an elected official, handle incoming calls about the official's availability for political events
- Prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)
- In a clerical manner, incorporate amendments into a finalized version of a governing body's resolution on an issue
- Respond to public records request for information, even if the material advocates a political position
- Wear political buttons subject to applicable employer policies*



- Express personal political views subject to applicable employer policies*

**and unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about DRS 247.208(3).*

For more detailed information about election laws, contact:

Elections Division

Secretary of State

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